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FK, UK
SUBJECT: UK REBUFFS ARGENTINE CLAIM TO SEABED RIGHTS AROUND
SOUTH ATLANTIC BRITISH OVERSEAS TERRITORIES, INCLUDING
FALKLAND ISLANDS

Classified By: Political Counselor Rick Mills, reasons 1.4 (b, d).

¶1. (SBU) Summary. HMG will contest Argentina's claim for sovereign rights (including oil and mineral rights) to seabed surrounding Britain's South Atlantic Overseas Territories, including the Falkland Islands. Great Britain will submit its own claim for seabed rights for its South Atlantic territories to the UN body that considers claims for seabed rights. HMG does not presently plan to file seabed rights claims for the British Antarctic Territory, but will reserve the right to make claims in the future. End Summary.

¶2. (C/NF) The United Kingdom rejects Argentina's claim, filed with the UN Commission on the Limits of the Continental Shelf (CLCS), for sovereign rights (including oil and mineral rights) to 660,000 square miles of the South Atlantic seabed immediately surrounding the Falkland Islands, South Georgia, and the South Sandwich Islands, Robin Twyman, Head of the South Atlantic Section in the FCO's Overseas Territories Directorate, confirmed to Poloff April 24. Twyman acknowledged that the FCO has not yet seen the Argentine submission, but affirmed that the HMG plans to reply to the Argentine claim and will submit its own claim to the CLCS for seabed rights in respect to the continental shelf of the Falkland Islands, and of South Georgia and the South Sandwich Islands. Although the islands are British Overseas Territories, Argentina's submission to the CLCS contains language that challenges the "illegitimate British occupation of the southern archipelagos," according to press reports. A FCO statement asserts that the UK "will be studying the Argentinian submission but we do not accept that there is any basis for the Argentine submission to include (claims for) the continental shelf generated by the Falklands, South Georgia, and the South Sandwich Islands." Twyman also told Poloff that the UK would not file claims to seabed rights for the British Antarctic Territory but would reserve the right to make claims in the future.

Shelf Claims on the Shelf

¶3. (C/NF) Twyman underscored that, insofar as the UK and Argentina would not be able to reach an agreement about seabed rights for the South Atlantic territories, much less sovereignty, the CLCS would simply "put the two nations, claims on the shelf -- pun not intended --" because the CLCS lacks authority to arbitrate competing claims. Indeed, internal FCO guidance for press inquiries, which Twyman shared with Poloff, maintains that the respective submissions

of the UK and Argentina with regard to the Falkland Islands and South Georgia and the South Sandwich Islands will not be considered by the CLCS, unless and until there is agreement between the two states over seabed rights claims.

¶4. (C/NF) During an earlier April 16 discussion with Poloff, Twyman confirmed that Prime Minister Brown declined to discuss the issue of Falkland Islands sovereignty with Argentine President Kirchner when the leaders met in March. According to Twyman, the UK is ready to &agree to disagree with Argentina on the issue of sovereignty and is prepared to discuss other issues related to the islands, but Argentina's insistence on focusing on sovereignty has made it impossible to discuss other Falklands-related issues. Twyman observed to Poloff that Argentina attempts to start multilateral discussions about Falkland Islands sovereignty at every possible opportunity and in forums with absolutely no nexus to the issue of the islands, sovereignty, such as meetings to discuss climate change. (Embassy comment. HMG evidently views Argentina's CLCS claim as yet another Argentine attempt to beard the British lion in its South Atlantic den. End comment.)

Different Territories; Different Goals

¶5. (C/NF) Twyman stressed that the Falkland Islands on the one hand and South Georgia and the South Sandwich Islands on the other hand are separate and distinct Overseas Territories under British law, even though the latter territory is administered from the Falklands by a Commissioner who is concurrently Governor of the Falklands. He noted that HMG's

goals for the Falkland Islands include the islands, economic sustainability, the well-being of the Falklands, inhabitants, and security concerns, as reflected by the continued UK military presence on the Falklands. Except for defense costs, the Falklands are self-financing. HMG's focus for the Overseas Territory of South Georgia and the South Sandwich Islands is environmental protection and stewardship, Twyman said.

¶6. (C/NF) The Falkland Islands look to revenue from potential oil drilling within 200 miles of the islands, nautical shorelines as one way to guarantee continued economic self-sufficiency for the islands, Falklands Islands Government UK representative Sukey Cameron told Poloff late last year. In that meeting, Cameron underscored that, from the perspective of Falklands residents, it is "not a problem" that the UK would not meet the 2009 deadline imposed by the 1997 Ottawa Convention to clear thousands of unexploded land mines on the Falkland Islands planted by Argentine forces in ¶1982. She underscored that the minefields are clearly marked by warning signs and ringed by barbed wire and that it would be &extremely expensive to clear the fields entirely.

Comment

¶7. (C/NF) HMG's position regarding seabed rights for the Falkland Islands and South Georgia and the South Sandwich Islands is consistent with its general policy on continental shelf territorial rights for other British Overseas Territories. and not just a response calculated to pull the Argentine tail. Last summer, for example, Britain presented to the CLCS a claim for extended territorial rights around the southern Atlantic island of Ascension, which is part of the British Overseas Territory of Saint Helena.

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